

### **REMARKS**

Claims 1-65 are currently pending, with Claims 17-29, 39, 40, 45 and 53-65 being withdrawn from consideration and canceled. As a result of the above amendments, Claims 1, 5, 13, 30-33, 41, 42, 47, and 48 have been amended, Claims 4, 17-29, 39, 40, 45, 46 and 53-65 have been canceled, and Claims 66-71 have been added. Therefore, Claims 1-3, 5-16, 30-38, 41-44, 47-52 and 66-71 are at issue in this Application.

### **Interview**

Applicants thank Examiner for taking time to discuss the pending Application during the interview on November 3, 2005. During the interview, Examiner and Applicants' counsel discussed the Office Action, the pending Claims, including Claims 1, 30-33 and 48, and the cited art.

### **Information Disclosure Statement**

Herewith, Applicants have submitted a revised information disclosure statement to resolve the issues identified in paragraphs 2 and 3 of the Office Action.

### **Drawings**

Regarding the objection that the drawings do not show the claimed disk-shaped configuration, Applicants submit that the disk 50 is shown in Fig. 4 and written disclosure is found in at least paragraph no. 61 of the published Application. Regarding the claimed ring-shaped configuration, Fig. 14 shows the structure and the corresponding written disclosure is found in at least paragraph no. 143. Because the Figures show the claimed features, replacement drawings are unnecessary and the drawing objections should be withdrawn.

### **Double Patenting Rejection**

Herewith, Applicants have submitted a terminal disclaimer that remedies the double patenting rejection of Claims 1-5, 8, 11-14, 33-35, 41-44 and 46-50.

### **Restriction Requirement**

Applicants have canceled withdrawn Claims 17-29, 39, 40, 45, 46 and 53-65. Regarding dependent Claims 9 and 10, Applicants submit that the restriction is improper since these claims depend from Claim 1 and are generally directed to the support member 102B positioned near the cover opening 28, as shown Fig. 13 of the Application. The presence of the support member 102B constitutes a variation of the support member 102 required by Claim 1, not an entirely new embodiment of the lid. A search of the lid structure of Claim 1 should encompass the structure required by Claims 9 and 10. Therefore, Applicants request the restriction requirement for dependent Claims 9 and 10 be withdrawn.

### **Section 112 Rejection**

Dependent Claim 13 has been amended to resolve the alleged indefiniteness issue.

### **Section 102 Rejections**

#### **A. Rejections Based Upon Sawatsky**

In paragraph ten of the Office Action, Claims 30-32, 41-44 and 48-52 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,143,248 to Sawatsky ("Sawatsky"). Applicants respectfully traverse this rejection.

Consistent with that discussed during the interview, independent Claim 30 has been amended and now requires, among other things, positioning the cover against at least one *external* guide to fix the angular position of the cover. The external guide is separate and distinct from the cover. Sawatsky does not disclose at least this limitation and as a result, does not anticipate amended independent Claim 30. *Ex Parte Levy*, 17 U.S.P.Q. 2d 1461 (BPAI 1990); *In re Lange*, 209 U.S.P.Q. 288 (CCPA 1981) (in order to anticipate, the reference must describe or disclose all of the limitations of the claims). For the same reasons, Sawatsky does not anticipate Claims 31 and 32 and these Claims are allowable as well.

Sawatsky does not anticipate amended independent Claim 41 (which includes claim language invoking Section 112, paragraph 6) because it does not disclose or suggest a lid cover with an uppermost top wall having an opening (see Fig. 1 of Sawatsky). In addition, Sawatsky's

sidewall depends from an inner edge of the top wall, not the outer edge as required by the Claim. Finally, Sawatsky lacks the mounting portion that defines an outermost cover periphery. For each of these reasons, Sawatsky does not anticipate Claim 41 and the Claim is allowable.

Sawatsky does not anticipate amended independent Claim 42, which was amended to include the allowable subject matter of dependent Claim 46. Further, Sawatsky does not disclose or suggest an uppermost top wall and a recessed central portion positioned inward of the top wall. Accordingly, Claim 42 is not anticipated by Sawatsky and the Claim is allowable. For the same reasons, dependent Claims 43-44 and 48-52 are allowable.

#### **B. Rejections Based Upon LaChance**

In paragraph eleven of the Office Action, Claims 30, 41-43 and 48-52 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,203,527 to LaChance ("LaChance"). Applicants respectfully traverse this rejection.

LaChance does not anticipate amended Claim 30 because it does not disclose or suggest the method for assembling the lid, including the required steps.

Amended Claim 41 is allowable over LaChance because it does not disclose or suggest all limitations of the Claim. Specifically, LaChance does not disclose a mounting portion that extends outwardly from the lower edge of the sidewall to define the outermost periphery of the cover. Therefore, LaChance does not anticipate Claim 41 and the Claim is allowable.

LaChance does not disclose or suggest all limitations of amended Claim 42, including the cover having a recessed central portion positioned inward of the uppermost top wall. Consequently, Claim 42 is allowable over LaChance. For at least the same reasons, dependent Claims 43 and 48-52 are allowable.

#### **Section 103 Rejections**

In paragraph 13 of the Office Action, Claims 1-7, 11-16, 33 and 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sawatsky. Applicants respectfully traverse this rejection.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art

reference(s) must teach or suggest all of the claim limitations. The examiner bears the initial burden on factually supporting any prima facie conclusion of obviousness. *See* MPEP § 2142; *In re Vaeck*, 20 USPQ.2d 1438 (Fed. Cir. 1991).

Consistent with the discussions during the examiner interview, independent Claim 1 was amended to require a cover adapted to be attached to the container, the cover having *an uppermost top wall with both an opening and a slot*, the cover further having *a sidewall depending downward from an outer edge of the top wall*, and *a mounting portion extending outward from a lower edge of the sidewall*, the cover further having a tab extending outward from the cover. Neither of the two lid versions in Sawatsky disclose or suggest all elements of the Claim 1, First, Sawatsky's uppermost top wall 30, 46 lacks both the opening and the slot (see Figs. 1 and 5). Second, Sawatsky's sidewall 32 depends from the interior edge of the top wall 30, 46. Lastly, Sawatsky's cover portion 22 is mounted with the container perimeter and therefore lacks the outwardly extending mounting portion. For each of these reasons, amended Claim 1 is not rendered obvious and is allowable over Sawatsky.

While dependent Claims 2-7 and 11-16 are allowable over Sawatsky for the reasons explained above, a number of these Claims require additional structure not suggested by Sawatsky, such as Claims 2, 3, 5 and 13.

### **New Claims**

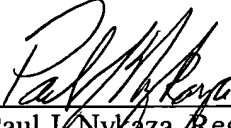
Applicants have added Claims 66-71. Independent Claim 66 is directed to a lid and requires, among other things, a cover having a mounting portion for attachment of the cover to the container, the cover further having a sidewall extending vertically upward from the mounting portion and an uppermost top wall with an opening, the cover further having a slot, the mounting portion having an outwardly extending tab. Neither Sawatsky nor LaChance disclose all elements of the Claim. New independent Claim 68 corresponds to allowable dependent Claim 8 and is allowable over the art of record.

**CONCLUSION**

In view of the foregoing, Applicants believe that Claims 1-3, 5-16, 30-38, 41-44, 47-52 and 66-71 are in condition for allowance, and respectfully request early notice of the same. The Examiner is requested to contact the undersigned if the Examiner has any questions concerning this Reply or if it will expedite the progress of this application.

Respectfully submitted,

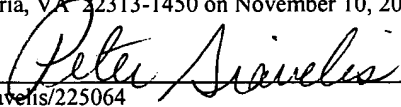
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**CERTIFICATE OF MAILING (37 C.F.R. § 1.8a)**

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service, with first class postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 10, 2005.

  
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